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On

10 Oct. 2001

TOWNSEND and TOWNSEND and CREW LLP

By:

Malinda [Signature]

PATENT
Attorney Docket No.: 018623-014800US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fikes *et al.*

Application No.: 09/458,299

Filed: December 10, 1999

For: INDUCING CELLULAR IMMUNE
RESPONSES TO HER2/neu USING
PEPTIDE AND NUCLEIC ACID
COMPOSITIONS

Examiner: Ronald B. Schwadron

Art Unit: 1644

PETITION TO WITHDRAW HOLDING
OF ABANDONMENT PURSUANT TO 37
C.F.R. § 1.181(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

Applicants are in receipt of the Notice of Abandonment mailed September 13, 2001, indicating the above-identified application has been abandoned for failure to respond to the Office Communication mailed March 7, 2001. Applicants respectfully request withdrawal of the holding of abandonment because an appropriate and timely response to the Office Communication was filed on September 7, 2001. The holding of abandonment is therefore incorrect. Enclosed herewith are:

1. A copy of the date-stamped, return postcard sent with the Response to the Office Communication, filed on September 7, 2001, showing receipt by the PTO on

10/15/2001 10:10 AM RECEIVED 10/15/2001

Application No.: 09/458,299
Page 2

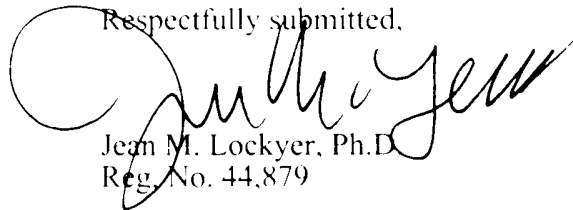
3. A copy of the Fee authorization for a five month extension of time submitted with the Response filed on September 7, 2001.

REMARKS

Applicants received an Office Communication requiring compliance with a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosure that had been mailed from the USPTO on March 7, 2001. On September 7, 2001, Applicants filed an appropriate Response to the Communication, submitting the required computer readable and paper forms of the sequence listing along with an amendment and an authorization for the fee for a five month extension of time for reply. A return receipt postcard was also filed with the Response. The postcard has a date stamp of September 17, 2001, showing receipt of the documents by the Patent and Trademark Office. In addition, the Transmittal sheet for the response has a signed and dated first class certificate of mailing, showing that it was mailed on September 7, 2001. Applicants therefore responded to the Office Communication in an appropriate and timely manner.

We have not included copies of the amendment and paper and computer readable forms of the sequence listing with this Request because the amendment is over 200 pages and the sequence listing is almost 1000 pages. Furthermore, our inquiries with the STIC Biotechnology Systems Branch indicates that the computer readable form has been received. If copies are required, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer, Ph.D.
Reg. No. 44,879

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JML
SF 1274528 v1

TO THE U.S. PATENT AND TRADEMARK OFFICE

Please stamp the date of receipt of the following document(s) and return this card to us:

INVENTOR(S):	John Fikes et al.
RE:	PATENT APPL. FILED 12/10/99 FOR "INDUCING CELLULAR IMMUNE RESPONSES TO MAGE2/3 USING PEPTIDE AND NUCLEIC ACID COMPOSITIONS"
TITLE OF DOCUMENT(S):	Amendment and Communication including substitute pages of Tables and w/Appendix A of changes; Sequence Listing paper copy pages 1-975; Sequence Listing diskette copy; <i>notice to comply;</i> Assertion of Small Entity Status <i>med</i> Fee Transmittal PTO/SB/17 for 5 mo. ext. @ \$45 (orig. + 1); Transmittal Form PTO/SB/21
Application No.	09/458,299
File No.	18623-0148-00
Date Due	7 Sept. 2001
Date Mailed	7 Sept. 2001
Attorney Secretary	JMI /med

